

House Bill 864

By: Representative Smith of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 34-9-264 of the Official Code of Georgia Annotated, relating to
2 compensation for loss of hearing caused by harmful noise under workers' compensation, so
3 as to revise certain provisions relating to hearing level frequencies; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 34-9-264 of the Official Code of Georgia Annotated, relating to compensation
8 for loss of hearing caused by harmful noise under workers' compensation, is amended by
9 revising paragraphs (1) and (2) of subsection (b) as follows:

10 "(1) In the evaluation of occupational hearing loss, only the hearing levels at the
11 frequencies of 500, 1,000, ~~and 2,000,~~ and 3,000 cycles per second shall be considered.
12 Hearing losses for frequencies below 500 and above ~~2,000~~ 3,000 cycles per second are
13 not to be considered as constituting compensable hearing disability. No consideration
14 shall be given to the question of whether or not the ability of an employee to understand
15 speech is improved by the use of a hearing aid. The board may order the employer to
16 provide the employee with an original hearing aid if it will materially improve the
17 employee's ability to hear;

18 (2) The percentage of hearing loss shall be calculated as the average, in decibels, of the
19 thresholds of hearing for the frequencies of 500, 1,000, ~~and 2,000,~~ and 3,000 cycles per
20 second. Pure tone air conduction audiometric instruments, properly calibrated according
21 to accepted national standards, such as American Standards Association, Inc. (ASA),
22 International Standards Organization (ISO), or American National Standards Institute,
23 Inc. (ANSI), shall be used for measuring hearing loss. If more than one audiogram is
24 taken, the audiogram having the lowest threshold will be used to calculate occupational
25 hearing loss. If the losses of hearing average 15 decibels (26 db if ANSI or ISO) or less
26 in the three frequencies, such losses of hearing shall not constitute any compensable

27 hearing disability. If the losses of hearing average 82 decibels (93 db if ANSI or ISO) or
28 more in the three frequencies, then the same shall constitute and be total or 100 percent
29 compensable hearing loss. In measuring hearing impairment, the lowest measured losses
30 in each of the three frequencies shall be added together and divided by three to determine
31 the average decibel loss. For each decibel of loss exceeding 15 decibels (26 db if ANSI
32 or ISO) an allowance of 1 1/2 percent shall be made up to the maximum of 100 percent
33 which is reached at 82 decibels (93 db if ANSI or ISO). In determining the binaural
34 percentage of loss, the percentage of impairment in the better ear shall be multiplied by
35 five. The resulting figure shall be added to the percentage of impairment in the poorer
36 ear, and the sum of the two divided by six. The final percentage shall represent the
37 binaural hearing impairment;"

38 **SECTION 2.**

39 All laws and parts of laws in conflict with this Act are repealed.